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Date of Deposit <u>August 23, 2002</u>	Label Number: <u>EL 954298627 US</u>
I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.	
<u>Guy Beardsley</u> Printed name of person mailing correspondence	<u>Guy Beardsley</u> Signature of person mailing correspondence

CONTINUED PROSECUTION APPLICATION TRANSMITTAL UNDER 37 CFR §1.53(d)	
Attorney Docket Number	01997/198006
Applicant	H. Robert Horvitz et al.
Title	CLONING SEQUENCING AND CHARACTERIZATION OF TWO CELL DEATH GENES AND USES THEREFOR
<b>PRIORITY INFORMATION:</b>	
This is a request for a continuation application under 37 C.F.R. §1.53(d) (continued prosecution application (CPA)) of prior United States patent application 08/984,178, filed December 3, 1997.	
<b>FILING QUALIFICATIONS:</b>	
The prior application is a nonprovisional application filed on or before May 29, 2000 that is either 1) complete as defined by 37 C.F.R. § 1.51(b); or 2) the national stage application of an international application in compliance with 35 U.S.C. § 371.	
<b>EXPRESS ABANDONMENT:</b>	
This request for a CPA expressly abandons the prior application as of the filing date of this request.	
<b>ACCESS TO PRIOR APPLICATION:</b>	
This request for a CPA is construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.	
<b>35 U.S.C. § 120 STATEMENT:</b>	
This request for a CPA is the specific reference required by 35 U.S.C. § 120 to the prior application.	
<b>PAPERS ENCLOSED:</b>	
X	1. Please enter the unentered amendment previously filed on November 17, 2000 under 37 C.F.R. § 1.116 in the prior application.
X	2. Please enter the enclosed preliminary amendment of 2 pages.
	3. This application is filed by fewer than all of the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4). Please delete the following inventors: [*NAMES OF DELETED INVENTORS*].
	4. Enclosed is a new power of attorney of [**] pages.
	5. Enclosed is an IDS of [**] pages; a form PTO 1449 of [**] pages; and [**] cited references.

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<input type="checkbox"/>	6a. Enclosed is a small entity statement newly signed for this application.
<input type="checkbox"/>	6b. A small entity statement was filed in the prior application. Such status is proper and desired.
<input type="checkbox"/>	6c. Small entity status is not applicable or is no longer claimed.
X	7. Please apply any charges not covered, or any credits, to Deposit Account No. 03-2095.
X	8. Enclosed is a check for \$740.00 to cover the total fees calculated below.
<b>FILING FEES:</b>	
Basic Filing Fee:	\$740.00
Excess Claims Fee: <b>[**TOTAL**]</b> - 20 x \$9/18	
Excess Independent Claims Fee: <b>[**TOTAL**]</b> - 3 x \$84/\$42	
Multiple Dependent Claims Fee: \$280/\$140	
Total Fees:	\$740.00
<b>CORRESPONDENCE ADDRESS:</b>	
<div>Kristina Bieker-Brady, Ph.D. Reg. No. 39,109 Clark &amp; Elbing LLP 101 Federal Street Boston, MA 02110 Customer No.: 21559</div> <div> <b>21559</b> PATENT, TRADEMARK OFFICE</div> <div>Telephone: 617-428-0200 Facsimile: 617-428-7045</div>	
<div> Signature</div> <div> Date</div>	



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	H. Robert Horvitz et al.	Art Unit:	1632
Serial No.:	08/984,178	Examiner:	R. Shukla
Filed:	December 3, 1997	Customer No:	21559
Title:	CLONING SEQUENCING AND CHARACTERIZATION OF TWO CELL DEATH GENES AND USES THEREFOR		

Assistant Commissioner For Patents  
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Applicant submits the following amendments and remarks.

In the Claims:

Please cancel all claims, with the exception of claims 1, 3 and 4 prior to entering the proposed amendments in the reply filed November 17, 2000.

Applicant notes that the Examiner's Action was mailed to the incorrect address.

Effective immediately, please address all communication in this application to:

Kristina Bieker-Brady, Ph.D.  
Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110

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If there are any charges, or any credits, please apply them to Deposit Account No.

03-2095.

Respectfully submitted,

Date:

August 23 2002

Kristina Bieker-Brady, Ph.D.  
Reg. No. 39,109

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045



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01997.198006 Preliminary Amendment for Petition to Revive2 .wpd